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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF ARIZONA

9 League of Women Voters of Arizona; Mi
10 Familia Vota Education Fund; and Promise
Arizona, on behalf of themselves, their
11 members, and all others similarly situated,

12 Plaintiffs,

13 vs.

14 Michele Reagan, in her official capacity as
Secretary of State for the State of Arizona,

15 Defendant.
16

No. 2:18-cv-02620-JAT

PLAINTIFFS' RESPONSE TO DOC. 15
REGARDING DEADLINE FOR
PRELIMINARY INJUNCTION

17
18 In response to the Court's Order of August 22, 2018 (Doc. 15), Plaintiffs submit this
19 memorandum setting forth the basis for the requested September 15, 2018 date by which a
20 preliminary injunction should issue.¹ Plaintiffs seek a preliminary injunction against
21 Defendant Michele Reagan, in her official capacity as Secretary of State for the State of
22 Arizona ("SOS"), to remedy her violations of Section 5 of the National Voter Registration
23 Act ("NVRA"), 52 U.S.C. § 20504—specifically, her failure to update voter registration
24 addresses. One of the two forms of relief Plaintiffs' preliminary injunction application seeks
25 is a mailing to affected voters notifying them of the need to ensure that their voter
26

27 ¹ During the call to the Court, Plaintiffs inadvertently referred to Saturday, September
28 15, 2018 rather than Friday, September 14, 2018 as the deadline. September 14, 2018 is the
operative date reflected in Plaintiffs' papers.

1 registration addresses are up to date. Because the deadline for voters to update their voter
2 registration records for the 2018 General Election is October 9, 2018
3 (<https://azsos.gov/elections/elections-calendar-upcoming-events>), this mailing should be sent
4 by the SOS sufficiently in advance of that October 9, 2018 voter registration deadline to
5 maximize effect. Plaintiffs believe a preliminary injunction ordering this mailing is needed
6 by September 14, 2018 to accomplish that purpose.

7 As it relates to that mailing, Plaintiffs request that the Court order the SOS to send a
8 blank voter registration form and a notice (together the “Remedial Mailing”) to all voters
9 who have engaged in a Covered Transaction (*e.g.*, initial application, renewal, and/or change
10 of address) with the Arizona Department of Transportation (“ADOT”) or its Motor Vehicle
11 Division (“MVD”) (collectively “ADOT/MVD”) since November 9, 2016—the day after the
12 last General Election. The Remedial Mailing would advise voters that their voter registration
13 record may be out of date, indicate that this error in the record may impact their ability to
14 receive a ballot by mail and/or cast a ballot in the 2018 General Election which will be
15 counted, and state steps voters can take to ensure that they are able to participate in the 2018
16 General Election.² This remedy can be most effective if the information contained in the
17 Remedial Mailing reaches voters prior to the October 9, 2018 voter registration deadline.
18 Based upon a separate settlement reached with ADOT/MVD, the Arizona Department of
19 Economic Security, and the Arizona Health Care Cost Containment System involving a
20 similar mailing [Doc. 6-1 at 17-27], Plaintiffs in good faith reasonably believe that it may
21 take the SOS some time to prepare, print, and send the requested Remedial Mailing.
22 Accordingly, Plaintiffs believe a preliminary injunction ordering the Remedial Mailing is
23 needed by September 14, 2018 to be most effective, which is why Plaintiffs asked for that
24 relief.

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27 ² The Proposed Order and Order to Show Cause filed by Plaintiffs on August 18, 2018
28 provide greater detail concerning the contents of the requested Remedial Mailing. [Docs. 5-
2 at 2:20-3:16, 6-2 at 2:24-3:19]

1 Plaintiffs' second requested form of relief does not implicate the September 14, 2018
2 deadline, but nonetheless is time sensitive. Plaintiffs' second form of relief requests that the
3 SOS instruct county recorders to count provisional ballots cast in federal elections by voters
4 who changed their address during a Covered Transaction with ADOT/MVD regardless of
5 whether the provisional ballot is cast in the precinct corresponding to the address associated
6 with the voter's driver's license or identification card or in the precinct associated with the
7 voter's registration record. Plaintiffs believe this remedy can be effective if ordered any time
8 prior to Election Day—November 6, 2018—however, providing the SOS with time prior to
9 Election Day to conduct relevant poll worker training and adequately inform voters of the
10 option to vote at either polling location likely will increase its effectiveness.

11 Based on the foregoing, Plaintiffs seek a preliminary injunction in the form specified
12 in their papers.

13 DATED this 24th day of August, 2018.

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practice limited pursuant to D.C. App. R. 49(c)(3).

Attorneys for Plaintiffs

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4 s/ Donna McGinnis

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